675 Almanor Avenue Sunnyvale, CA 94086 Telephone: (408) 524-8100 Fax: (408) 524-8145

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#### FACSIMILE TRANSMISSION COVER

DATE:	August 5, 2002	
ro:	Examiner Souaya	
COMPANY:	United States Patent and Trademark Office	
TELEPHONE NO.:	(703) 308-6565	
FAX NO.:	(703) 305-3014	
FROM:	Luisa Bigornia	
RE:	USSN: 09/728,422	
TOTAL PAGES (including cover sheet): //		
COMMENTS:		

Dear Examiner Souaya,

This response is timely and should be entered a one-month extension of time. If you have any questions, or need any additional information, please contact my assistant, Annya Dushine, at (408) 746-4592.

Regards, Luisa Bigomia

Confidentiality Note: The information contained in this facsimile message is legally privileged and confidential information that is intended only for the use of the individuals or entity listed above. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or reproduction of this message is strictly prohibited. If you have received this message in error, please immediately notify us by telephone and return the original message to us at the address listed above via U.S. Postal Service, Thank you.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Tang, et al.

Serial No:

09/728,422

Filed:

November 30, 2000

For:

NOVEL NUCLEIC ACIDS AND

POLYPEPTIDES

CERTIFICATE OF FACSIMILE UNDER 37 CFR 1.6(d)

I hereby certify that this paper is being transmitted to the United States Patent and Trademark Office by facsimile and addressed to the Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

Date of Facsmilic Transmission: August 5, 2002

Type or Print Name of Person Faxing: Luisa Bigomia

Signature of Person

## TRANSMITTAL LETTER

U.S. Patent and Trademark Office P.O. Box 2327 Arlington, VA 22202

Dear Sir:

Enclosed are the following items for filing in the above-referenced U.S. Patent

## Application:

- 1. Applicants' Amendment and Response to a Restriction Requirement dated 08/05/2002.
- 2. Applicants' Request for Extension of Time under 37 CFR1.136(a).

The Commissioner is hereby authorized to charge payment of any fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 501169. A duplicate copy of this sheet is enclosed.

Please refund any overpayment to Hyseq, Inc. at the address below.

Respectfully submitted.

Date: August 5, 2002

Luisa Bigornia

Attorney for Applicants

Registration No.: 45,974

HYSEQ, INC.

670 Almanor Avenue Sunnyvale, CA 94085

(408) 524-8100

(408) 524-8145 (Telefacsimile)



Attorney Docket No. 21272-029CIP2F Hyseq Docket No. 787CIP2F

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Type or Print Name of Person Faxing: Luisa Bigornia

Signature of Person

#### RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

U.S. Patent and Trademark Office P.O. Box 2327 Arlington, VA 22202

Dear Examiner Souava:

#### RESTRICTION REQUIREMENT

In response to the June 5, 2002 Restriction Requirement in the above-identified application, Applicants elect with traverse Group I, claims 1-9 and 22-26, drawn to nucleic acids, vectors, host cells, and arrays. In response to the sequence election requirement, Applicants elect with traverse SEQ ID. NO: 4. Applicants make this election without prejudice to pursuing non-elected subject matter in later applications.

The response to the Restriction Requirement is due on or before August 5, 2002, with a one-month extension of time. The Commissioner is hereby authorized to charge the requisite fees that may be due, or credit any overpayment of same, to Deposit Account No. 501169.